REMARKS

This amendment is submitted with a request for one month extension, appropriate fee and a Request for Continued Examination in reply to the outstanding final Office Action dated April 10, 2006, and the Advisory Action dated July 28, 2006. Claims 1-15 currently stand rejected and are the only pending claims in the present application. Applicants have amended independent claims 1 and 9 to further define aspects of the present application. No new matter has been added by the amendment, which is supported at least at page 4, lines 32-33. Applicants have also canceled claim 2, without prejudice.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

IDS

Applicants respectfully note that an IDS is submitted along with this paper. The majority of the references cited in the IDS were also cited in U.S. Application No. 09/693,060 filed on October 20, 2000, which is a continuation-in-part of the present application.

Claim Rejections - 35 USC §103

Claims 1-2, 7, 9 and 11-14

Claims 1-2, 7, 9 and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,253,327, hereinafter, "Zhang") in view of Bartoli et al. (U.S. Patent No. 6,047,268, hereinafter "Bartoli"). As stated above, claim 2 has been canceled, without prejudice, and thus the rejection of claim 2 is now moot.

A. The cited references fail to teach or suggest the claimed invention

Applicants have amended independent claims 1 and 9 to recite, *inter alia*, identifying an attribute comprising an indication of the location from which the request was received based upon a packet received by the gateway device and accessing a user profile based on the attribute.

Independent claims 1 and 9 have also been amended to recite, *inter alia*, determining if the user is entitled to access the destination network **based upon** the user profile and **the attribute comprising the indication of the location from which the request was received**.

Zhang is directed to a single step network logon. The Office Action cites col. 7, lines 12-17 of Zhang as disclosing accessing a user profile based upon an attribute. However, the cited passage merely refers to matching an access request packet against a user profile in order to verify the authenticity of the subscriber. Accordingly, the cited passage fails to disclose an attribute associated with the user. Additionally, the attribute used to access the user profile of the claimed invention comprises an indication of the location from which the request was received. Zhang not only fails to teach or suggest accessing the user profile based on an attribute, but more specifically, the cited passage, and indeed all of Zhang also fails to teach or suggest accessing a user profile based on the attribute that comprises an indication of the location from which the request was received as recited in independent claims 1 and 9.

Applicants respectfully note that it could be argued that the access request packet itself is analogous to the claimed attribute. However, even assuming that this argument was plausible, Zhang still fails to teach or suggest determining if the user is entitled to access the destination network **based upon** the user profile and **the attribute comprising the indication of the location from which the request was received**.

Applicants note that Zhang discloses negotiating a dynamically assigned IP address for the host (col. 8, lines 20-21). However, the IP address assigned in Zhang is clearly stated as being performed "once the host has notification of successful authentication" (col. 8, lines 19-20). Accordingly, any determination regarding user entitlement to access the destination network in Zhang is not based upon an attribute comprising an indication of the location from which the request was received as recited in the claimed invention. Specifically, if the element of Zhang that corresponds to the attribute is the access request packet, then in order to meet the claimed invention, the determination of user entitlement to access the destination network of Zhang must be based upon the user profile and an indication of the location from which the request was received in the access request packet. However, Zhang provides no such disclosure. Rather, Zhang discloses that the user is authenticated independently of the location from which

the user request is received (col. 8, lines 19-21). Thus, Zhang fails to teach or suggest determining if the user is entitled to access the destination network **based upon** the user profile and **the attribute comprising the indication of the location from which the request was received** as recited in independent claims 1 and 9.

Bartoli is directed to allowing authentication transactions to be performed via use of "cookies" to permit a user to conduct follow-on transactions without further installation of special software on the user's client terminal. Bartoli also fails to teach or suggest the above recited features and is not cited as such.

Applicants also continue to maintain that the combination of Zhang and Bartoli fails to teach or suggest no additional configuration software need be installed on the user's computer to **access** the destination network and any other network as claimed in independent claims 1 and 9.

The final Office Action has cited Bartoli as disclosing the above recited feature. However, Applicants continue to disagree with this assertion. Applicants respectfully point out again that Bartoli lacks any specific disclosure of a feature that no additional configuration software need be installed on the user's computer to **access** the destination network and any other network as claimed in independent claims 1 and 9. In addition to the arguments to that effect presented in previous responses, Applicants respectfully note that, in fact, Bartoli is not even related to provision of access to the merchant servers of FIG. 1 of Bartoli. To the contrary, Bartoli is only concerned with authenticating a transaction. In other words, **access** to the merchant servers themselves is completely ignored. It is merely the authentication of a particular transaction with the merchant server that is authenticated without a requirement for any special software (col. 3, lines 42-45). Thus, while use of the cookie system of Bartoli allows authentication transactions to be performed via use of cookies to permit a user to conduct follow-on transactions without further installation of "special software" on the user's client terminal (col. 3, lines 42-47), no where does Bartoli discuss an aim or mechanism by which to grant **access** to the merchant servers or to any destination network without additional configuration software. Applicants respectfully request that the Examiner explain how the cookies of Bartoli or how any part of Bartoli teaches or suggests that no additional configuration software need be

installed on the user's computer to **access** the destination network and any other network as claimed in independent claims 1 and 9.

Since Zhang and Bartoli each fail to teach or suggest the aforementioned features of independent claims 1 and 9, any combination of Zhang and Bartoli also fails to teach or suggest the subject matter of independent claims 1 and 9. Thus, Zhang and Bartoli, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 7 and 11-14 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include all the recitations of their respective independent claims. The dependent claims 7 and 11-14 are therefore patentably distinct from Zhang and Bartoli, individually or in combination, for at least the same reasons as given above for independent claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejection of claims 1, 7, 9 and 11-14 as being unpatentable over Zhang in view of Bartoli, is overcome.

B. Bartoli is not a proper reference

Applicants also submit that Bartoli is not a proper reference since Bartoli is non-analogous art. The claimed invention is generally directed to a system and a method for transparently authorizing, authenticating and accounting users to enable access to a destination network and any other network with no additional configuration software. Applicants respectfully submit that Bartoli is not a proper reference because Bartoli describes nonanalogous art. To rely on a reference under 35 U.S.C. §103, it must be analogous prior art. See MPEP 2141.01(a). The two-part test for analogous art requires that "the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed.Cir. 2003) (where if the general scope of a reference is outside the pertinent field of endeavor, the reference may still be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved). Bartoli is directed to authenticating transactions without any concern

regarding access to a network. The problem to be addressed in this art is to enable a user browsing a home page of a merchant to purchase goods while visiting the merchant's site without repeating a process for authenticating the transaction (col. 2, lines 27-34). To the contrary, the claimed invention is directed to providing access to various networks which may each have different configurations and authentication requirements. The problem to be addressed in the art of the claimed invention is developing a way to provide access to the various networks in a transparent manner such that no additional configuration software is installed on the user's computer. Bartoli, on the one hand, and the present application, on the other hand, are simply not in the same field of endeavor with Bartoli being concerned about authenticating transactions after access is already granted while the claimed invention is, quite differently, directed to the provision of access to various networks. Bartoli is not interested in providing access, but rather is interested in what happens after access is granted. There would be no reason for one skilled in the art faced with the problem of providing transparent access to various networks to look to a reference that ignores the issue of access to focus on individual transactions conducted after access is granted. Therefore, Bartoli is also not reasonably pertinent to the particular problem with which the inventor was concerned. Thus, Bartoli is not analogous art and, therefore, cannot be relied upon to support an obviousness rejection under 35 U.S.C. §103.

Furthermore, Applicants submit that there is no motivation to combine the references. In this regard, a teaching or motivation to combine the references is essential in order to properly combine references. *In re Fine*, 337 F.2d 1071, 1075 (Fed. Cir. 1988). In fact, the Court of Appeals for the Federal Circuit has stated that, "[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Although the evidence of a suggestion, teaching, or motivation to combine the references commonly comes from the prior art references themselves, the suggestion, teaching, or motivation can come from the knowledge of one of ordinary skill in the art or the nature of the problem to be solved. *Id.* In any event, **the showing must be clear and particular** and "[b]road conclusory statements regarding the teaching effect of multiple references, standing alone, are not 'evidence'." *Id.* The Office Action states that it

would have been obvious by one having ordinary skill in the art to combine the references because if would reduce the cost of putting up the system. However, the Applicants seasonably challenge this assertion as being a broad conclusory statement which, standing alone, is not "evidence", as required under the patent laws, of motivation to combine the cited references. Such a broad statement does not provide evidence of motivation for one seeking to provide transparent access to various networks to look to a reference that ignores the issue of access to focus on individual transactions conducted after access is granted. Accordingly, Applicants respectfully submit that there is no motivation to combine the references.

Since Bartoli cannot properly be combined with Zhang, it is respectfully submitted that the rejections of all claims based on the combination of these references is overcome.

Accordingly, for all the reasons stated above, Applicants respectfully submit that the rejections of claims 1, 7, 9 and 11-14 are overcome.

Claims 3-6, 8 and 15

Claims 3-6, 8 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Bartoli, and further in view of Lim et al. (U.S. Patent No. 6,434,619, hereinafter "Lim").

As stated above, neither Zhang nor Bartoli teaches or suggests that no additional configuration software need be installed on the user's computer to access the destination network and any other network as recited in independent claims 1 and 9. Zhang and Bartoli also fail to teach or suggest identifying an attribute comprising an indication of the location from which the request was received based upon a packet received by the gateway device and accessing a user profile based on the attribute as recited in independent claims 1 and 9. Lim also fails to teach or suggest such features and is not cited as such. Since Zhang, Bartoli and Lim each fail to teach or suggest the aforementioned features of independent claims 1 and 9, any combination of Zhang, Bartoli and Lim also fails to teach or suggest the subject matter of independent claims 1 and 9. Thus, Zhang, Bartoli and Lim, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 3-6, 8 and 15 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include all the

recitations of their respective independent claims. The dependent claims 3-6, 8 and 15 are therefore patentably distinct from Zhang, Bartoli and Lim, individually or in combination, for at least the same reasons as given above for independent claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejections of dependent claims 3-6, 8 and 15 as being unpatentable over Zhang in view of Bartoli, and further in view of Lim, are overcome.

CONCLUSION

In view of the amendments and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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